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IN THE UNITED STATES DISTRICT COURT

CLERK U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA
WEST. DIST. OF PENNSYLVANIA

RYAN KERWIN

: CASE NO. 05-93 ERIE

:

VS.

: MAGISTRATE JUDGE SUSAN BAXTER

:

LT. WILLIAM MCCONNELL

: DISTRICT JUDGE SEAN MC LAUGHLIN

MOTION TO COMPEL

Plaintiff moves this court for an order pursuant to Rule 37 (a) of the Federal Rules of Civil Procedure compelling the defendant to comply with his requests for production of documents and interrogatories. Plaintiff mailed these requests for production of documents and interrogatories to defendant's counsel, pursuant to Rule 33 and 34 of the Federal Rules of Civil Procedure, on December 10, 2005. (**Exhibits A and B**)

The defendant did not respond to these discovery requests within 30 days of service as required so plaintiff made a good faith effort to resolve the discovery dispute by mailing defense counsel a letter informing him of his discovery obligation on January 12, 2006. (**Exhibit C**) Defense counsel was warned in that letter that failure to comply with the discovery requests by January 20, 2006 would result in plaintiff filing this motion to compel and asking for sanctions and expenses.

January 20, 2006 has since passed and plaintiff has still not received any responses to the discovery requests in question.

Plaintiff also moves for an order pursuant to Rule 37(a)(4) requiring the defendant to pay the sum of \$25.00 as reasonable expenses in obtaining this order, on the grounds that the defendant's refusal to comply with the requests for production of documents and interrogatories had no substantial justification.

1/22/06

Date

Ryan Kerwin

Ryan Kerwin

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